

per v. Edwards, 12 Mod. 658; and generally, the place where the goods are impounded ought to be a proper and safe place, *ibid.* and this the distrainer is bound to take notice of, Bignell v. Clark, 5 Hurl. & N. 485; Wilder v. Speer, 8 A. & E. 547. By Stat. 11 Geo. 2, c. 19, s. 10, *q. v.* the distrainer is authorized to impound the distress upon the premises. As to the time within which a distress is to be sold, see 2 W. & M. St. 1, c. 5, s. 2.

Exemptions from distress.—So far as relates to beasts of the plough and sheep this Statute is only in affirmance of the common law, which also exempted instruments of husbandry and implements of trade, &c.,¹ as to which see Nargett v. Nias, 1 E. & E. 439. "As for mort goods," says Lord Coke, 2 Inst. 133, "a covenable distress is not of armor, or vessell, or apparell, or jewels, so long as there are other sufficient or covenable; nor of sheep, saddle horses, beasts of the plough, poultry, fish or salvagne (beasts *feræ naturæ*) &c.," see Fenton v. Logan, 9 Bing. 676. Certain articles such as spinning wheels and looms, pianos, stoves, and sewing machines hired or lent to the tenant, horses, carriages and harness at livery, &c., and goods of boarders in boarding houses,² &c., are exempt from distress by the Code, Art. 53, sec. 17, and 1868 ch. 173.³ In other respects, exemptions from distress depend on the English law, which as stated in Simpson v. Hartopp, Willes, 512, see 1 Smith Lead. Cas. 187, was affirmed by the Court

¹ A cab let to a cab driver by the week is an implement of his trade and is not distrainable. Lavell v. Richings, (1906) 1 K. B. 480.

² Property of a boarder in a boarding house, exempt from distress under this statute, is the property belonging to and in the personal use of the boarder or his family and not such property, though owned by him, as is in general use by the household. Leitch v. Owings, 34 Md. 262.

A "lodger" under the English Lodgers' Goods Protection Act, 34 & 35 Vict. c. 79 is one who *sleeps* on the premises. Heawood v. Bone, 13 Q. B. D. 179.

³The last re-enactment of this section was made by the Act of 1908, ch. 93, which provided as follows:

"The following property shall be exempt from distress for rent, to wit: Every spinning wheel, loom, sewing-machine, typewriter, stove, cash register, piano, organ or other musical instrument not the property of the tenant or rented, hired or loaned to the tenant; and every horse, carriage and harness, whip and robe, saddle and bridle, or motor vehicle and appurtenances not the property of the tenant, in any livery stable or garage, or which may be stored with any keeper of any livery stable or garage or other persons, or in any other place, outhouse or barn of the tenant; and all property of any boarder or sojourner at any hotel, tavern, public or private boarding house; and any vehicle not the property of the tenant in any shop for repair; and the goods and chattels of the innocent tenant who has paid his rent to the owner of the leasehold estate shall be exempt from distraint for ground rent if any due and owing to the ground rent landlord by the owner of the leasehold estate." Code 1911, Art. 53, sec. 17.